

PATENT
454313-2335.1**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s) : Jean-Christophe AUDONNET et al.
Filed : May 31, 2000
Serial No. : 09/586,535
For : **DNA VACCINE – PCV**
Group Art Unit : 1632
Examiner : Q. Janice Li

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I hereby certify that this paper is being facsimile transmitted
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Thomas J. Kowalski, Reg. No. 32,147

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Thomas J. Kowalski

Signature

January 8, 2002

Date of Signature

**AMENDMENT WITH PETITION TO WITHDRAW RESTRICTION
AND REQUESTS FOR CORRECTED FILING RECEIPT AND INTERVIEW**

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This is in response to the January 3, 2002 Office Action. Any fee occasioned by this paper may be charged, or overpayment credited to, Deposit Account No. 50-0320. This paper is also in response to matters telephonically discussed with the Examiner on January 8, 2002, for which the Examiner is thanked for the courtesies extended.

PATENT
454313-2335.1

AMENDMENT

Kindly amend the application, without prejudice, without admission, without surrender of subject matter, and without any intention of creating any estoppel as to equivalents, as follows:

IN THE SPECIFICATION

Please amend the specification, without prejudice, without admission, without surrender of subject matter, and without any intention of creating any estoppel as to equivalents, as follows (and as shown in the accompanying Appendix: Marked-Up Version To Show Changes Made):

Page 1, first paragraph and heading therefor, please rewrite the text thereat to read as follows:

--RELATED APPLICATIONS:

This application is based on and claims priority from U.S. application Serial No. 60/138,352, filed June 10, 1999. Mention is made of U.S. application Serial No. 09/082,558, filed 21 May 1998, U.S. application Serial No. 09/161,092, filed on 25 September 1998, and French Application Nos. 97/12382, 98/00873, 98/03707, filed October 3, 1997, January 22, 1998, and March 20, 1998. Each of these applications, and each document cited therein, is hereby incorporated herein by reference; and each document cited in the present application is also incorporated herein by way of reference.--

PATENT
454313-2335.1

REQUEST FOR CORRECTED FILING RECEIPT

It is hereby respectfully requested that the records of the USPTO and the Filing Receipt for this application be corrected to reflect that neither the present application nor its predecessor provisional application Serial No. 60/138,352, claim priority from any of French applications Nos. 97/12382, 98/00873, 98/03707, filed October 3, 1997, January 22, 1998, and March 20, 1998. **Simply, please correct the records of the USPTO and the Filing Receipt for this application to reflect that the present application only claims priority from U.S. application Serial No. 60/138,352.** Submitted herewith is a marked version of the Filing Receipt showing that priority to French applications Nos. 97/12382, 98/00873, 98/03707, filed October 3, 1997, January 22, 1998, and March 20, 1998 was provided thereon by the USPTO and that Applicants have crossed that priority out as a correction. Also submitted herewith is a copy of the Declaration and Power of Attorney for this application, which shows that only priority to USSN 60/138,352, filed June 10, 1999 is claimed. Furthermore, it is respectfully noted that MPEP 201 and 35 USC 111 are clear that a provisional application cannot claim priority to another application, such that there should never have been any question of the predecessor provisional application claiming priority to any French application (as asserted at pages 2-3). And, the specification is amended to make it clear that the present application **only claims priority from U.S. application Serial No. 60/138,352** (other applications are merely “[m]ention[ed]”).